

CITY OF HELENA
REGULAR CITY COMMISSION MEETING
August 13, 2018 - 6:00 P.M.
City Commission Chambers, Room 330

- Time & Place** A regular City Commission meeting was held on Monday, July 30, 2018 at 6:00 p.m., in the Commission Chambers, 316 N. Park Avenue, Helena, Montana.
- Members Present** Mayor Pro Tem Haladay indicated for the record that Commissioners Farris-Olsen and Noonan were present. Commissioner O'Loughlin, Mayor Collins and City Manager Dennis Taylor were excused. City Attorney Thomas Jodoin, Acting City Manager Troy McGee and City Clerk Debbie Havens were present.
- Pledge of Allegiance** Mayor Pro Tem Haladay asked those persons present to please stand and join him in the pledge of allegiance.
- Minutes** The minutes of the regular City Commission meeting of July 30, 2018 were approved as submitted.
- Consent Agenda** CONSENT AGENDA:
A. Claims
B. Approval of Funding from Montana Board of Crime Control Soft Interview Room Furniture.
C. Approval of Funding from Highway Traffic Safety Alcohol Impaired Driving Enforcement Officer (Pilot).
D. Release of existing City of Helena utility easements located within Tract A-1A and Tract A-2A of the Mullen Minor Subdivision, as shown in COS #624197.
E. Release of existing City of Helena utility easements located within Lot 12A, Block 1 of the Amended Plat of Prospect Heights P.U.D. as shown in COS #3165303.
F. Railroad Urban Renewal District Neighborhood Work Plan for FY19 and its associated application documentation, as recommended by the Railroad TIF Advisory Board.
- Acting City Manager McGee recommended approval of the claims and the consent agenda.
- Public Comment** Mayor Pro Tem Haladay asked for public comment, none was received.
- Motion** **Commissioner Noonan moved approval of Items A and F on the consent agenda.** Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried.
- Communications From Commissioners** COMMUNICATIONS/PROPOSALS FROM COMMISSIONERS
Commissioner Noonan thanked the Helena Police Department for their presence in the downtown area.
Mayor Pro Tem Haladay reported the City of Helena received a SAFER grant to hire six new firefighters. As a result, the city will not have to levy a portion of the recently approved mill levy. On behalf of the city, he thanked the Federal Emergency Management Agency (FEMA) for the grant award.
- Report of the City Attorney** REPORT OF THE CITY ATTORNEY
City Attorney Jodoin reported Boone Karlberg will represent the city on the MacDonald case. Attorney John Newman will be handling the case and was a planner for Missoula County and currently served on the

Missoula County Board of Adjustment. Attorney Jodoin stated his office will pay for the legal services.

Report of the City Manager

REPORT OF THE CITY MANAGER
No item to report on.

Report from the Helena Citizens

REPORT FROM THE HELENA CITIZENS COUNCIL
No report given.

Regular Items

A. CONSIDER A RESOLUTION REQUIRING THE USE OF APPRENTICES BY CONTRACTORS PERFORMING SERVICES FOR THE CITY OF HELENA.

Staff Report

Attorney Jodoin reported the resolution contains an initial 10% apprenticeship utilization requirement for the remainder of fiscal year 2019 for contracts for services estimated to cost \$500,000 or more. The following year that apprenticeship utilization requirement steps up to 12% and would apply to contracts for services estimated to cost \$250,000 or more. The third year the applicability steps down to contracts for services estimated to cost \$150,000 or more and requires 15% of the labor hours be performed by apprentices. The apprenticeship requirement may be adjusted or waived by the City Manager upon a documented showing of unavailability of apprentices or a disproportionately high ratio of material costs to labor hours.

There are approximately 60 independent sponsors in Lewis and Clark County that are registered in the Montana Registered Apprenticeship Program.

Requiring the use of apprentices on city contracts for services may create a more skilled workforce and increase the number of skilled trade professionals.

Some projects may be delayed if the apprenticeship requirement cannot be met since the City Manager would need to adjust or waive the required percentage of apprentices. Reviewing verified payroll reports for compliance will add additional workload to staff duties.

Attorney Jodoin recommended approval of a resolution requiring the use of apprentices by contractors performing services for the City of Helena.

Public Comment

Mayor Pro Tem Haladay called for public comment. The following persons spoke in support of the resolution: Jay Reardon, State Director for the Montana Apprenticeship Program; Mark Maki, Training Director with the IBEW; Al Ekblad, Executive Secretary with the Montana State AFL-CIO; Joel Wirth, Carpenter Apprenticeship Representative; James Holbrook, Business Manager for IBEW Local 206; and Robert Warren, Training Instructor with the IBEW Apprenticeship Program.

Motion

Commissioner Farris-Olsen moved approval of a resolution requiring the use of apprentices by contractors performing services for the City of Helena. Commissioner Noonan seconded the motion.

Commissioner Farris-Olsen spoke of a training he and other commission members attended that talked about the economic benefits of apprenticeship programs. It is important for the city to pass this resolution.

Commissioner Noonan stated he is happy to support the resolution; the unions have worked hard to develop the apprenticeship programs.

Vote

All voted aye, motion carried. **Resolution 20469**

- B. CONSIDER FIRST PASSAGE OF AN ORDINANCE AMENDING SECTIONS 7-9-2 AND 7-9-5 OF THE HELENA CITY CODE TO CLARIFY PERMIT REQUIREMENTS FOR PARADES, SPECIAL EVENTS, VENDORS, AND VEHICLES ON THE PEDESTRIAN MALL.

Staff Report

Attorney Jodoin reported a permit is presently required to conduct a parade, public assembly, trade show or display merchandise for sale. Being adopted in 1983, the current language is out of date and not reflective of current practices and needs for permitting parades, special events, vendors, and vehicles on the pedestrian mall.

Liability insurance has not been required for parades and special events in which vehicles are not driven on the pedestrian mall. In situations where vehicles will be driven on the pedestrian mall in conjunction with parades and special events, liability insurance has been required due to concerns with underground vaults.

The ordinance will clarify the various permit requirements for parades, special events, vendors, and vehicles on the pedestrian mall. Liability insurance for parades and special events on the pedestrian mall would only be required for parades or special events where vehicles will be driven on the pedestrian mall. Vendors selling merchandise or food or beverages on the pedestrian mall will also be required to provide liability insurance.

Attorney Jodoin recommended approval for first passage of an ordinance amending Sections 7-9-2 and 7-9-5 of the Helena City Code to clarify permit requirements for parades, special events, vendors, and vehicles on the pedestrian mall, and set a public hearing date for September 10, 2018.

Discussion

Mayor Pro Tem Haladay asked if it is routine to get a permit issued within thirty days and what happens if someone wants to organize a rally within three or four days. Attorney Jodoin stated normally a rally will not require a permit; therefore, there should not be an issue. If a group wants to come and protest and they are not blocking access, they do not need a permit and have a right to be on the public right of way; unless they are performing a commercial purpose. He will visit with Mark Lerum to discuss the thirty-day recommendation.

Public Comment

Mayor Pro Tem Haladay called for public comment. None was received.

Motion

Commissioner Noonan moved approval for first passage of an ordinance amending Sections 7-9-2 and 7-9-5 of the Helena City Code to clarify permit requirements for parades, special events, vendors, and vehicles on the pedestrian mall, and set a public hearing date for September 10, 2018. Commissioner Farris-Olsen seconded the motion. All voted aye, motion carried. **Ordinance 3241**

Public Hearings

PUBLIC HEARING:

- A. CONSIDER ACCEPTANCE OF BUREAU OF JUSTICE ASSISTANCE (BJA) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDING

Staff Report

Police Chief McGee reported the Helena Police Department has received funding from the Federal Bureau of Justice Assistance (BJA) for the past 17 years.

The HPD is proposing that our grant award be used to supplement a full-time detective's position that has been located at the Lewis and Clark

County Attorney's Office. The detective serves as the liaison between the police department, county attorney's office, and the city prosecutor's office. Having this detective serve in this capacity allows for him to be able to coordinate information and developments from both law enforcement and prosecutors on case investigations. The detective actively works with the prosecution to prepare for trials and attends trials as a law enforcement expert.

This grant requires the City of Helena and the Lewis and Clark County Sheriff's Office submit the application together. The allocation is set by BJA is for both City of Helena and Lewis and Clark County total \$44,554. The city's allocation is \$29,274 and the county's allocation is \$15,280.

The advantage of this grant is to help keep one detective serving in the capacity of the liaison between the Helena Police Department, Lewis and Clark County Attorney's Office, and the City of Helena Prosecution Office. This position ensures tasks are completed in major cases and information shared and presented for prosecution.

Chief McGee recommended acceptance of the JAG funding in the amount of \$29,274.

Public Testimony

Mayor Pro Tem Haladay declared the public portion of the hearing open and called for any public testimony.

There being no public testimony, Mayor Pro Tem Haladay closed the public portion of the hearing.

Motion

Commissioner Farris-Olsen moved acceptance of the JAG funding in the amount of \$29,274. Commissioner Noonan seconded the motion. All voted aye, motion carried.

Public Communications

PUBLIC COMMUNICATIONS

The following persons addressed the commission in support of bringing the Expedition League to Helena: Marlene and Dave Hughes; Melvin Drake; Wil Garvin who also asked those in support of baseball to raise their hands; Judy Erickson; Dannie T. ; Theresa Graham;

Commissioner Noonan recognized Grandstreet Katie, who is with the group supporting baseball; who recently retired and acknowledged her work at Grandstreet Theater.

Mayor Pro Tem Haladay thanked all who addressed the commission and noted this item is scheduled to be discussed at the August 22nd administrative meeting. However, that may change due to two of the commission members may not be at the meeting.

Meetings of Interest

MEETINGS OF INTEREST

The Administrative Meeting is scheduled for August 22, 2018 and the next Commission Meeting is August 27, 2018.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:40 p.m.

/S/ WILMOT COLLINS

MAYOR

ATTEST:

/S/ DEBBIE HAVENS

CLERK OF THE COMMISSION